REMARKS

This Amendment is in response to the Office Action mailed on April 30, 2004. In accordance with 37 CFR 1.175, applicant has submitted a supplemental declaration to overcome the rejection of claims 1-40 under 35 U.S.C. 251.

The amendments to the claims is now in compliance. The above amendment deletes misplaced claims 4, 21, and 28 and presents the amendments to claim 4, 21, and 28 in proper form. The above amendment presents the amendments to claims 29, 34, 37, 39, and 40 as they currently stand in comparison to the claims as part of the reissue application as filed.

Claim 29 has been amended three times. As compared to the claims as part of the reissue application as filed, claim 29 now further requires "v-shape," "with a cradle at an upper end and having a lower end," and "at a position above a bottom edge of the transom."

Claim 34 has been amended three times. As compared to the claims as part of the reissue application as filed, claim 34 now further requires "a rigid tie down member," "v-shape," "an upper," "lower," "and located above a bottom edge of the transom," and "connectable to opposite ends of the tie down member." As compared to claim 34 as part of the reissue application as filed, "a first" and "second" have been omitted.

Claim 37 has been amended three times. As compared to the claims as part of the reissue application as filed, claim 37 now further requires "v-shape," "upper," "lower," and "about an axis located above a bottom edge of the transom." As compared to claim 37 as part of the reissue application as filed, "a first" and "second" have been omitted.

Claim 39 has been amended three times. As compared to the claims as part of the reissue application as filed, claim 39 now further requires "a rigid tie down member," "v-shape," "lower," "an upper," "about a pivotal axis located above a bottom edge of the transom so that" "lower," "flexible," and "connectable to the rigid tie down member." As compared to claim 39 as part of the reissue application as filed, "first," "a second," "such that," and "first" have been omitted.

Claim 40 has been amended three times. As compared to the claims as part of the reissue application as filed, claim 40 now further requires "a rigid tie down member," "v-shape,"

"lower," "an upper," "about a pivotal axis located above a bottom edge of the transom so that," "lower," and "a flexible tie down element connectable to the rigid tie down member, which passes behind the motor for securing the drive shaft housing in place against the cradle when the motor is in an up position."As compared to claim 40 as part of the reissue application as filed, "first," "a second," "such that," and "first" have been omitted.

Applicant believes that the above amendment and response places the application in allowable form and respectfully requests a Notice of Allowance.

Respectfully submitted,

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APPENDIX A

SUPPORT IN THE DISCLOSURE FOR THE CHANGES MADE TO THE CLAIMS

| **Claim** | **Support in the Disclosure** |
|---|---|
| 4. The [tie down strap] device of claim 3, wherein a hook is secured at each end of the tie down strap for securing the tie down strap to the tie down bracket through the holes on the pair of tabs. | •"The device comprises a tie down bracket, a support and a tie down strap." (Col. 2, ll. 31-32.) |
| 21. The [tie down strap] device of claim 20, wherein a hook is secured at each end of the tie down strap for securing the tie down strap to the tie down bracket. | •"The device comprises a tie down bracket, a support and a tie down strap." (Col. 2, ll. 31-32.) |
| 26. The device of claim 18, wherein the support is rotatably mounted such that the support is positioned between the motor and the transom when the motor is in a down position and the [axis] plane of rotation for the support is along a plane parallel to the length of the boat. | •FIGS. 2, 3 and 4<br>•"Support 54 is pivotally secured by pin 82, which passes through the pair of sleeves 74 to trim adjustment rack 84 of kicker motor 24. Support 54 then hangs from the trim adjustment rack 84 and can rotate about pin 82." (Col. 4, ll. 19-22.) |

29. An outboard motor support device for securing an outboard motor to a transom of a boat, the device comprising:

a tie down bracket;

a v-shape support with a cradle at an upper end and having a lower end rotatably mounted with respect to the motor at a position above a bottom edge of the transom such that when the motor is in an up position the support can rotate about its mounting point to contact and support the motor and when the motor is in a down position the support is positioned between the motor and the transom; and

a tie down element which passes behind the motor and is secured to the tie down bracket when the motor is in the up position to hold the motor in contact with the support.

- FIGS. 2, 3, and 4 show a v-shape support 54.
- "The support 54 includes cradle 64, V-frame 66, cross-bar 68, a pair of handles 70, lanyard 72 and a pair of sleeves 74. Cradle 64 is secured to the apex of V-frame 66." (Col. 3, ll. 61-63).
- "apex" - "The highest point" Webster's II New Riverside Dictionary, Rev. Ed., p. 33.
- "Support 54 is pivotally secured by pin 82, which passes through the pair of sleeves 74 to trim adjustment rack 84 of kicker motor 24." (Col. 4, ll. 19-21); FIGS. 3 and 4.

34. An outboard motor support device for securing an outboard motor to a transom of a boat, the device comprising:

a rigid tie down member;

a v-shape support having a cradle at [a first] an upper end and having a [second] lower end rotatably mounted about a horizontal pivot axis which is generally parallel to the transom and located above a bottom edge of the transom such that when the motor is in an up position the support can rotate about the pivot axis to contact and support the motor in the cradle and when the motor is in a down position the support is positioned between the motor and the transom; and

a flexible tie down element connectable to opposite ends of the tie down member which passes behind the motor to hold the motor in contact with the cradle when the motor is in its up position.

- FIG. 2 shows a tie down bracket 52.
- FIGS. 2, 3, and 4 show a v-shape support 54.
- "The support 54 includes cradle 64, V-frame 66, cross-bar 68, a pair of handles 70, lanyard 72 and a pair of sleeves 74. Cradle 64 is secured to the apex of V-frame 66." (Col. 3, ll. 61-63).
- "apex" - "The highest point" Webster's II New Riverside Dictionary, Rev. Ed., p. 33.
- "Support 54 is pivotally secured by pin 82, which passes through the pair of sleeves 74 to trim adjustment rack 84 of kicker motor 24." (Col. 4, ll. 19-21); FIGS. 3 and 4.
- "When kicker motor 24 is supported and secured by outboard motor support device 50, tie down strap 56 is secured to tie down bracket 52. Specifically, this is accomplished by hooks 80 being placed in holes 62 of tabs 60." (Col. 4, ll. 41-45).

37. An outboard motor support device for securing an outboard motor to a transom of a boat, the device comprising:

a tie down bracket having holes at opposite ends;

a v-shape support having a cradle at an [a first] upper end, wherein a [second] lower end of the support is mounted for pivotal movement about an axis located above a bottom edge of the transom such that when the motor is in an up position the support can rotate about its mounting point to a first position at which the cradle receives and supports the motor along a drive shaft housing of the motor and when the motor is in a down position the support is in second position between the motor and the transom; and

a tie down element having a pair of hooks secured to its ends, wherein each one of the hooks is secured in one of the holes in the tie down bracket and the tie down element passes behind the drive shaft housing of the motor to hold the drive shaft housing in contact with the cradle when the motor is in the up position.

• FIGS. 2, 3, and 4 show a v-shape support 54.

• "The support 54 includes cradle 64, V-frame 66, cross-bar 68, a pair of handles 70, lanyard 72 and a pair of sleeves 74. Cradle 64 is secured to the apex of V-frame 66." (Col. 3, ll. 61-63).

• "apex" - "The highest point" Webster's II New Riverside Dictionary, Rev. Ed., p. 33.

• "Support 54 is pivotally secured by pin 82, which passes through the pair of sleeves 74 to trim adjustment rack 84 of kicker motor 24." (Col. 4, ll. 19-21); FIGS. 3 and 4.

39. An outboard motor support device for securing an outboard motor to a transom of a boat, the device comprising:

a rigid tie down member;

a v-shape support rotatably mounted at a [first] lower end and having a cradle at [a second] an upper end, the support being rotatable about a pivotal axis located above a bottom edge of the transom so that [such that] when the motor is in an up position the support can rotate about its [first] lower end so that the cradle receives and supports the motor along a drive shaft housing of the motor and when the motor is in a down position the support is positioned between the motor and the transom; and

a flexible tie down element connectable to the rigid tie down member, which passes behind the motor for securing the drive shaft housing in place against the cradle when the motor is in an up position.

- FIG. 2 shows a tie down bracket 52.
- FIGS. 2, 3, and 4 show a v-shape support 54.
- "The support 54 includes cradle 64, V-frame 66, cross-bar 68, a pair of handles 70, lanyard 72 and a pair of sleeves 74. Cradle 64 is secured to the apex of V-frame 66." (Col. 3, ll. 61-63).
- "apex" - "The highest point" Webster's II New Riverside Dictionary, Rev. Ed., p. 33.
- "Support 54 is pivotally secured by pin 82, which passes through the pair of sleeves 74 to trim adjustment rack 84 of kicker motor 24." (Col. 4, ll. 19-21); FIGS. 3 and 4.
- "When kicker motor 24 is supported and secured by outboard motor support device 50, tie down strap 56 is secured to tie down bracket 52. Specifically, this is accomplished by hooks 80 being placed in holes 62 of tabs 60." (Col. 4, ll. 41-45).

40. An outboard motor support device for securing an outboard motor to a transom of a boat, the device comprising:
a rigid tie down member;
a v-shape support rotatably mounted at a [first] lower end and having a cradle at [a second] an upper end, the support being rotatable about a pivotal axis located above a bottom edge of the transom so that [such that] when the motor is in an up position the support can rotate about its [first] lower end so that the cradle receives and supports the motor along a drive shaft housing of the motor and when the motor is in a down position the support is positioned between the motor and the transom;
a flexible tie down element connectable to the rigid tie down member, which passes behind the motor for securing the drive shaft housing in place against the cradle when the motor is in an up position; and
means connected between the support and the motor for rotating the support upward when the motor is tilted from the down position to the up position.

- FIG. 2 shows a tie down bracket 52.
- FIGS. 2, 3, and 4 show a v-shape support 54.
- "The support 54 includes cradle 64, V-frame 66, cross-bar 68, a pair of handles 70, lanyard 72 and a pair of sleeves 74. Cradle 64 is secured to the apex of V-frame 66." (Col. 3, ll. 61-63).
- "apex" - "The highest point" Webster's II New Riverside Dictionary, Rev. Ed., p. 33.
- "Support 54 is pivotally secured by pin 82, which passes through the pair of sleeves 74 to trim adjustment rack 84 of kicker motor 24." (Col. 4, ll. 19-21); FIGS. 3 and 4.
- "When kicker motor 24 is supported and secured by outboard motor support device 50, tie down strap 56 is secured to tie down bracket 52. Specifically, this is accomplished by hooks 80 being placed in holes 62 of tabs 60." (Col. 4, ll. 41-45).